INTRODUCED: April 14, 2025

AN ORDINANCE No. 2025-083

To authorize the special use of the property known as 2930 North Avenue for the purpose of a restaurant with outdoor dining, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAY 12 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 2930 North Avenue, which is situated in a UB Urban Business District, desires to use such property for the purpose of a restaurant with outdoor dining, which use, among other things, is not currently allowed by section 30-433.2 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES:	NOES:	ABSTAIN:
ADOPTED:	REJECTED:	STRICKEN:

an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. Finding. Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 2930 North Avenue and identified as Tax Parcel No. N000-0892/036 in the 2025 records of the

City Assessor, being more particularly shown on a survey entitled "Plat Showing Improvements on 2926, 2928 & 2930 North Avenue, in the City of Richmond, Virginia," prepared by Harvey L. Parks, Inc., and dated August 28, 2017, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a restaurant with outdoor dining, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "North Side Branch Building, 2930 North Avenue, Richmond, VA 23222," prepared Fultz & Singh, and dated November 26, 2024, and hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a restaurant with outdoor dining, substantially as shown on the Plans.

(b) Outdoor dining on the Property shall only be in operation between the hours of 7:00 a.m. and 10:00 p.m. on Sunday through Thursday and 7:00 a.m. and 12:00 a.m. on Friday and Saturday.

(c) No off-street parking shall be required for the Special Use.

(d) No less than two covered trash containers shall be provided for the outdoor dining area. Fences, walls, or vegetative screening shall be provided around the outdoor dining area, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets.

Chain link fences or chain link fences with slats shall not be permitted.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. General Terms and Conditions. This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory

evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 1,096 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. Effective Date. This ordinance shall be in force and effect upon adoption.

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City of Richmond

O&R Transmittal

DATE: February 27, 2025

TO:The Honorable Members of City CouncilTHROUGH:The Honorable Danny Avula, Mayor (by request)
(This in no way reflects a recommendation on behalf of the Mayor)THROUGH:Sabrina Joy-Hogg, Interim Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 2930 North Avenue for the purpose of a restaurant with outdoor dining, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit for the purpose of outdoor dining accessory to a restaurant. The proposed dining is within 100 feet of a Residential zoning district. As a result, a Special Use Permit is necessary to proceed with this request.

BACKGROUND: The property is located in the Northern Barton Heights neighborhood at the corner of North Avenue and West Brookland Park Boulevard. The property is currently a 10,159 square foot (0.23 acre) parcel improved with a two-story building. The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed-Use, which is defined as a, "cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions" (Richmond 300, p. 84).

<u>Intensity</u>: Buildings generally ranging from two to six stories, based on street widths, and depending on the historic context and stepping down in height adjacent to residential areas, as

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necessary. New buildings that are taller than historical buildings should step back from the build to line after matching the height of the predominant cornice line of the block.

<u>Primary Uses</u>: Retail/office/ personal service, multi-family residential, cultural, and open space. <u>Secondary Uses</u>: Single-family houses, institutional, and government.

The current zoning for this property is UB - Urban Business District.

COMMUNITY ENGAGEMENT: Battery Park Civic Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Ordinance to be considered by the Planning Commission on May 6, 2025

FISCAL IMPACT: \$400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 14, 2025

CITY COUNCIL PUBLIC HEARING DATE: May 12, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission (May 6, 2025)

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Draft Ordinance, Application Forms, Applicant's Report, Plans, Survey **STAFF:**

Shaianna Trump, Planner Associate, Land Use Administration (Room 511) 646-7319

DEPARTMENT OF PLANNING AND DEVELOPMENT REVIEW	Application for SPECIAL USE PERMIT Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219 (804) 646-6304 <u>https://rva.gov/planning-development-review</u>
Application is hereby submitted for: (check one)	
Project Name/Location Property Address: 2930 North Avenue, Richmond, VA 23222 Parcel I.D. #: <u>N0000892036</u> Fee: \$400.00 Total area of affected site in acres: <u>.02 acres</u> (See page 6 for fee schedule, please make check payable to the "City of the schedule)	Date: 10/20/2024
Zoning UB - Urban Business Current Zoning: UB - Urban Business Richmond 300 Land Use Designation: Community Mixed-	Use
Proposed Use (Please include a detailed description of the proposed use in the required Exterior seating within 100' of Residential Zoning District, A-2 ASSEMBL Existing Use: ORIGINAL / HISTORIC USE: B-BUSINESS / R-2 RESERVISION DES: VACANT Is this property subject to any previous land use cases? Yes No Image: State of the proposed use in the required exterior seating within 100' of Residential Zoning District, A-2 ASSEMBLE Is this property subject to any previous land use cases? Yes No Image: State of the property subject to any previous land use cases?	Y / B-BUSINESS.
Applicant/Contact Person: <u>Cory Weiner</u> Company: <u>2930 North Avenue LLC</u> Mailing Address: <u>PO Box 14609</u>	
City: Richmond Telephone: (804) 347-3251 Email: cwperformancegrouplic@gmail.com	State: <u>VA</u> Zip Code: 2 <u>3221</u> Fax: _()
Property Owner: 2930 North Avenue LLC If Business Entity, name and title of authorized signee:	Cory Weiner, Manager
(The person or persons executing or attesting the execution of this Applic she has or have been duly authorized and empowered to so execute or a	
Mailing Address: PO Box 14609	
City: Richmond	_ State: <u>VA</u> Zip Code: <u>23221</u>
Telephone: <u>(804</u>) <u>347-3251</u> Email: cwperformancegrouplic@gmail.com	_ Fax: _()
Property Owner Signature: Cory Weiner	
The names, addresses, telephone numbers and signatures of all owners sheets as needed. If a legal representative signs for a property owner, pl photocopied signatures will not be accepted.	

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



CITY OF RICHMOND, VA Department of Planning and Development Review Land Use Administration Division 900 East Broad Street, City Hall - Room 511, Richmond, Virginia 23219

AUTHORIZATION FROM PROPERTY OWNER

TO BE COMPLETED BY THE APPLICANT Applicant must complete <u>ALL</u> items			
HOME/SITE ADDRESS: 2930 North Avenue	APARTMENT NO/SUITE		
APPLICANT'S NAME:	EMAIL ADDRESS: CWPerformanceGroupLLC@gmail.com		
BUSINESS NAME (IF APPLICABLE):CW Performance Group LLC			
SUBJECT PROPERTY OR PROPERTIES:			
APPLICATION REQUESTED			
□ Plan of Development (New or Amendment)			
Wireless Plan of Development (New or Amendment)			
⊠ Special Use Permit (New or Amendment)			
Rezoning or Conditional Rezoning			
Certificate of Appropriateness (Conceptual, Administrative Approval, Final)			
Community Unit Plan (Final, Preliminary, and/or Amendment)			
Subdivision (Preliminary or Final Plat Correction or Extension)			

TO BE COMPLETED BY THE AUTHORIZED OWNER Owner must complete <u>ALL</u> items

Signing this affidavit acknowledges that you, as the owner or lessee of the property, authorize the above applicant to submit the above selected application/s on your behalf.

2930 North Avenue LLC

PROPERTY OWNER ADDRESS: PO Box 14609, Richmond, VA 23221

PROPERTY OWNER EMAIL ADDRESS: CWPerformanceGroupLLC@gmail.com

PROPERTY OWNER PHONE NUMBER: _(804) 347-3251

Property Owner Signature: ____ Cory Weiner

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney.

APPLICANT'S REPORT

October 20th, 2024

Special Use Permit

2930 North Avenue, Richmond, Virginia 23222 Map Reference Number: N0000892036

Submitted to:

City of Richmond

Department of Planning and Development Review Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219

Prepared by:

2930 North Avenue LLC PO Box 14609 Richmond, Virginia 23221

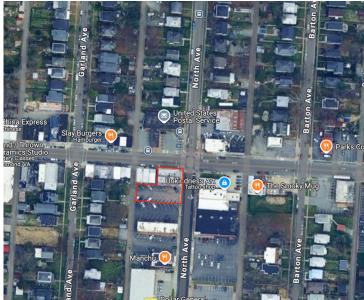
Introduction

The property owner is requesting a special use permit (the "SUP") for 2930 North Avenue (the "Property"). The 2930 North Avenue Renovation Project is an adaptive re-use and historic rehabilitation to an existing building occupying the southwest corner of Brookland Park Boulevard and North Avenue in Richmond, VA's north-side. The building and parcel make up 2 floors above grade and one partial floor below with the parcel extending in an L-shape west allowing for direct access to the north-south alley public right-of-way. The existing building is vacant and in disrepair. The goal of the project is to restore the building to its former fit-and finish while making accommodation for modern use cases - in this instance a restaurant occupying the ground floor and cellar, and a business use on the 2nd floor. The existing parking area adjacent to the building will be transformed into an exterior patio with an openair partial roof covering over an exterior smokehouse. In order to permit flexibility in the configuration of uses/tenants within the building, the SUP would authorize relief from the UB feature requirement, including: (1) a partial waiver of the radius requirement associated with outdoor dining.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located at the southwest corner of W Brookland Park Boulevard and North Avenue and is referenced by the City Assessor as N0000892036. The property is L-shaped with 95 feet in width and 135 feet deep and contains of 10,160 square feet of area. Access is provided along North Avenue and by an alley located along the western edge of the parcel.



This area is characterized by a mix of uses with a variety of commercial, retail, and residential uses of varying intensities and scales in the immediate vicinity. Properties fronting Brookland Park Blvd are primarily a commercial in nature while properties located along nearby cross streets are primarily one- and two-family dwellings interspersed with commercial and multifamily uses.

EXISTING ZONING

The Property is zoned UB Urban Business which permits small, neighborhood serving businesses with pedestrian-oriented character. The UB zoned properties in the area generally form a commercial district fronting on or oriented toward Brookland Park Blvd and North Avenue. The surrounding properties to the north, east and south are zoned UB Urban Business. There is one property to the west that was rezoned in 2020 from UB Urban Business to R-6 Single-Family Attached Residential. 2925 Garland Avenue is the only residential property within the 100' of the outdoor seating.

MASTER PLAN DESIGNATION

The Richmond 300 establishes a "Community Mixed-Use" land use designation for the Property. This land use is described as a "cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities." The development style for the Community Mixed-Use designation is described as "building size, density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue or introduce a gridded street pattern to increase connectivity." Restaurant uses are considered a primary use within this land use designation.

The Property is also located within the "Brookland Park Neighborhood Node." The Richmond 300 plan describes nodes generally as "places in Richmond where people and jobs are today and continue to grow into the future. Nodes are the places of convergence of many uses and include restaurants, offices, shopping, housing, and/or public gathering places as well as access to multiple modes of transportation." Neighborhood nodes, like Brookland Park, are further described as "a local crossroads typically within or next to larger residential areas that offers goods and services to nearby residents, employees, and visitors."

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."

Proposal

PURPOSE OF REQUEST

The goal of the project is to restore the Property to its former fit-and finish while making accommodation for modern use cases - in this instance a restaurant occupying the ground floor and cellar, and a business use on the 2nd floor. The existing parking area adjacent to the building will be transformed into an exterior patio with an openair partial roof covering over an exterior smokehouse. In order to permit flexibility in the configuration of uses/tenants within the building, the SUP would authorize relief from the UB feature requirement, including: (1) a partial waiver of the radius requirement associated with outdoor dining.

PROJECT SUMMARY

The renovated building would follow an urban model with the building's first floor containing the commercial restaurant space fronting W Brookland Park Blvd and North Avenue and an outdoor dining patio. The remainder of the building will feature second floor office/business space.

Radius Requirement for Outdoor Dinning

In the UB District, where restaurants are concerned, Section 30-433.2(21)(a.) requires that "no deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district". A patio is proposed at the South elevation of the building which could be utilized for the purpose of outdoor dining. This patio is within 100' of a property located within an R district. The requested waiver of the radius requirement would allow for the development to better serve patrons and provide outdoor dining space which has become significantly more important to commercial business following the COVID-19 pandemic.

Findings of Fact

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

Be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed development would offer needed services to the community and a safe, convenient and economically viable pedestrian environment, thereby providing positive impacts in terms of safety, welfare, etc.

Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposal is designed be consistent with the Property's master-plan recommendation for pedestrian-oriented development which is designed for walkability. The existing street grid will tend to minimize any traffic impacts.

Create hazards from fire, panic or other dangers.

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

Tend to overcrowding of land and cause an undue concentration of population.

The proposed special use permit will not tend to overcrowd the land or create an undue concentration of population. The proposed density and urban form is appropriate to the Property's location and consistent with the recommendations of the Master Plan and ongoing planning guidance.

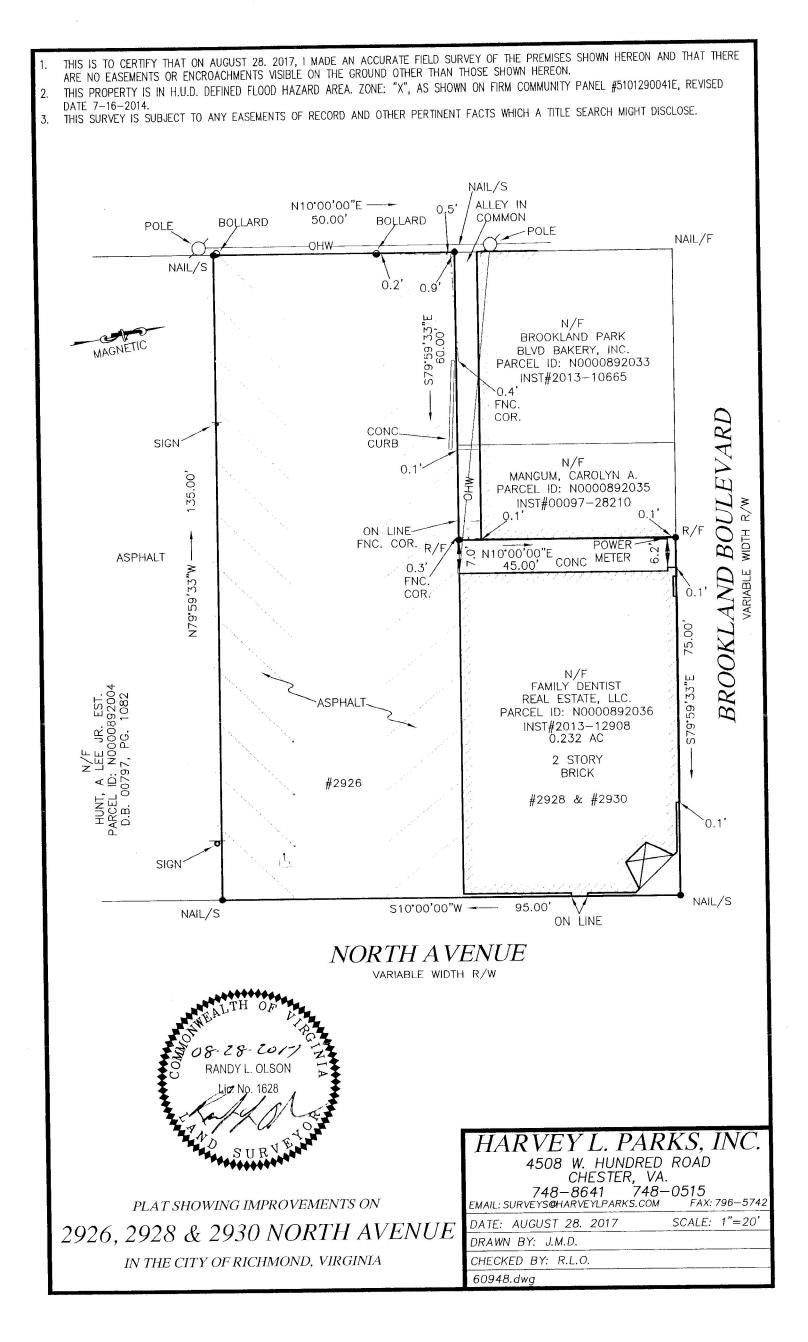
Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements. The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development. This benefit can be attributed to the significant investment in the property, taxes related to the commercial use of the first floor and the anticipated absence of school-age children residing within the complex, who require substantial City spending in schools and playground facilities.

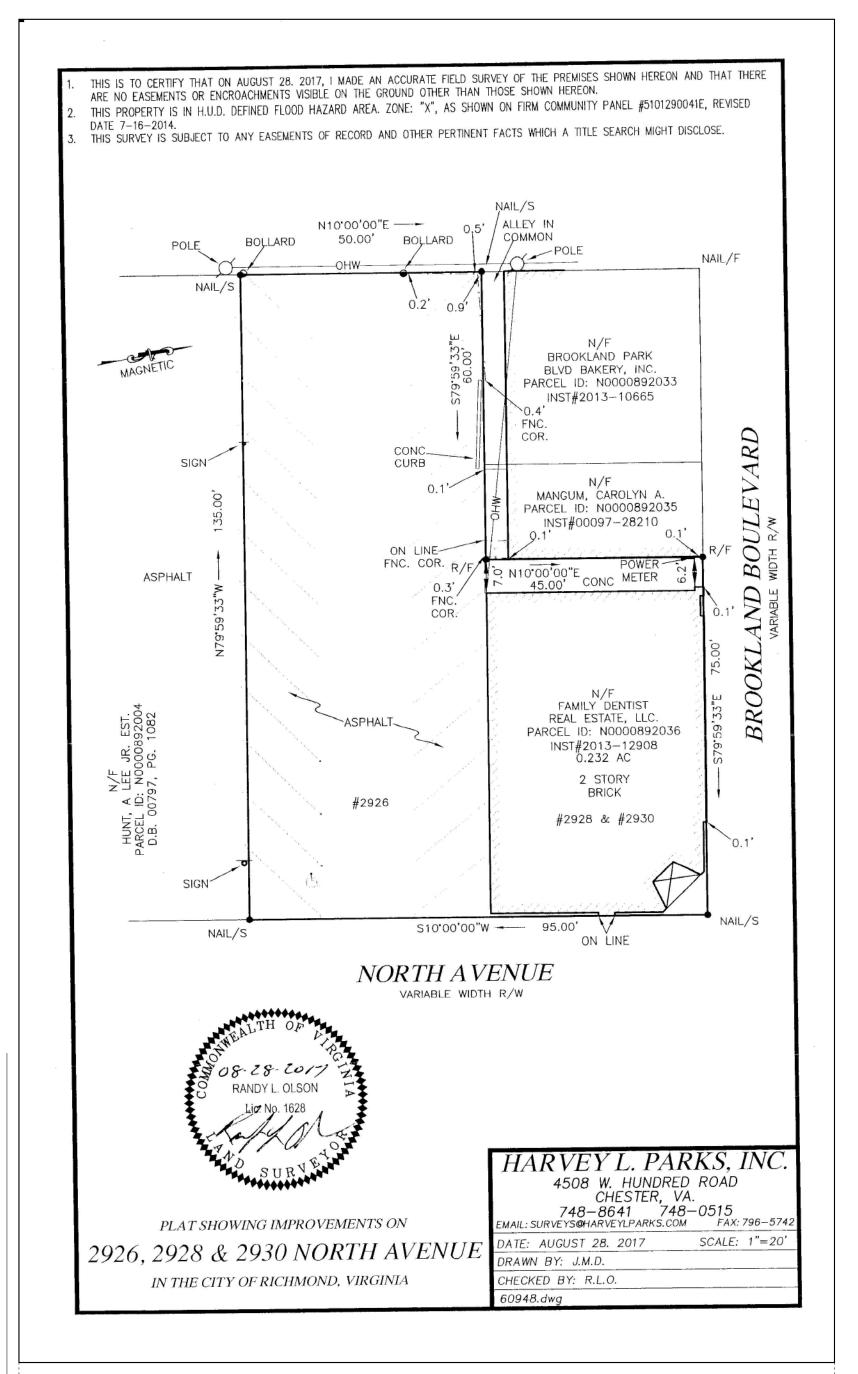
Interfere with adequate light and air.

The light and air available to adjacent properties will not be affected.

Summary

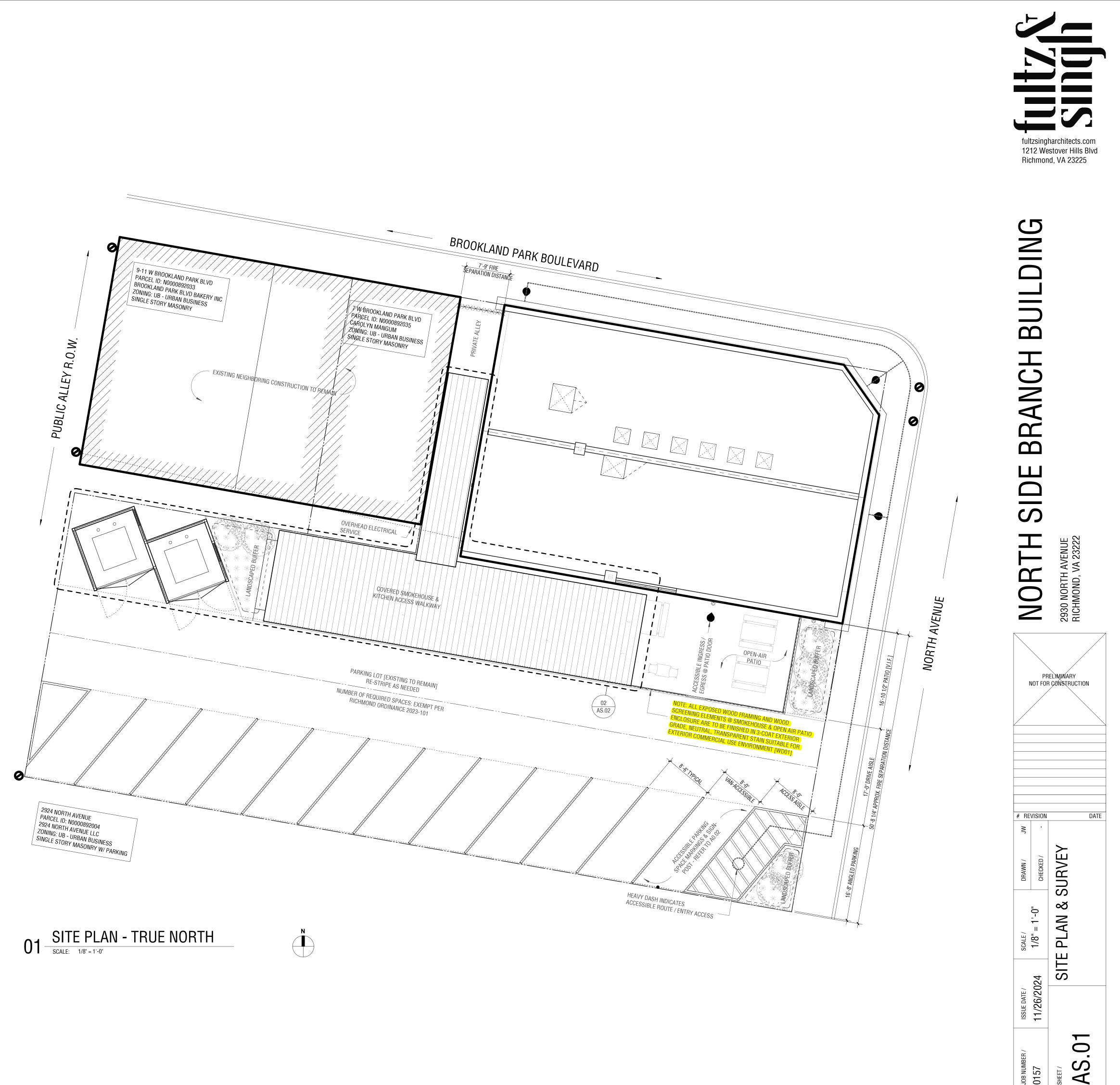
In summary, the development as proposed is substantially permitted by-right and the applicant is only seeking relief from radius requirements relating to outdoor dining for the Property. This proposal represents an ideal revitalization for this location. The SUP is consistent with current planning guidance applicable to the neighborhood and the City at large. The SUP would permit the occupancy of the commercial space with an active first floor use that would be neighborhood serving while providing a better pedestrian experience within the district. This would better address the goals of the Master Plan while remaining consistent with the intent of the UB District.

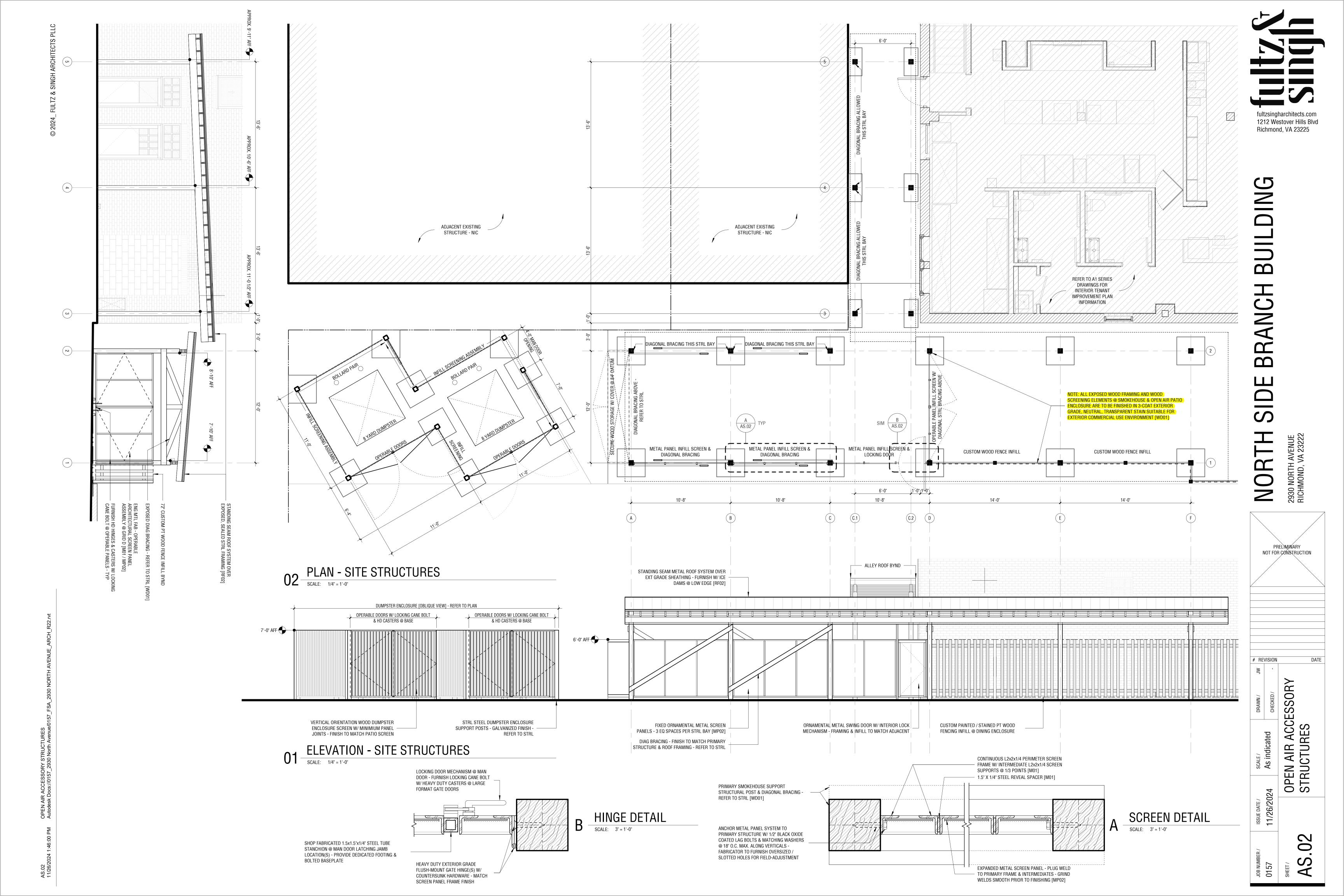


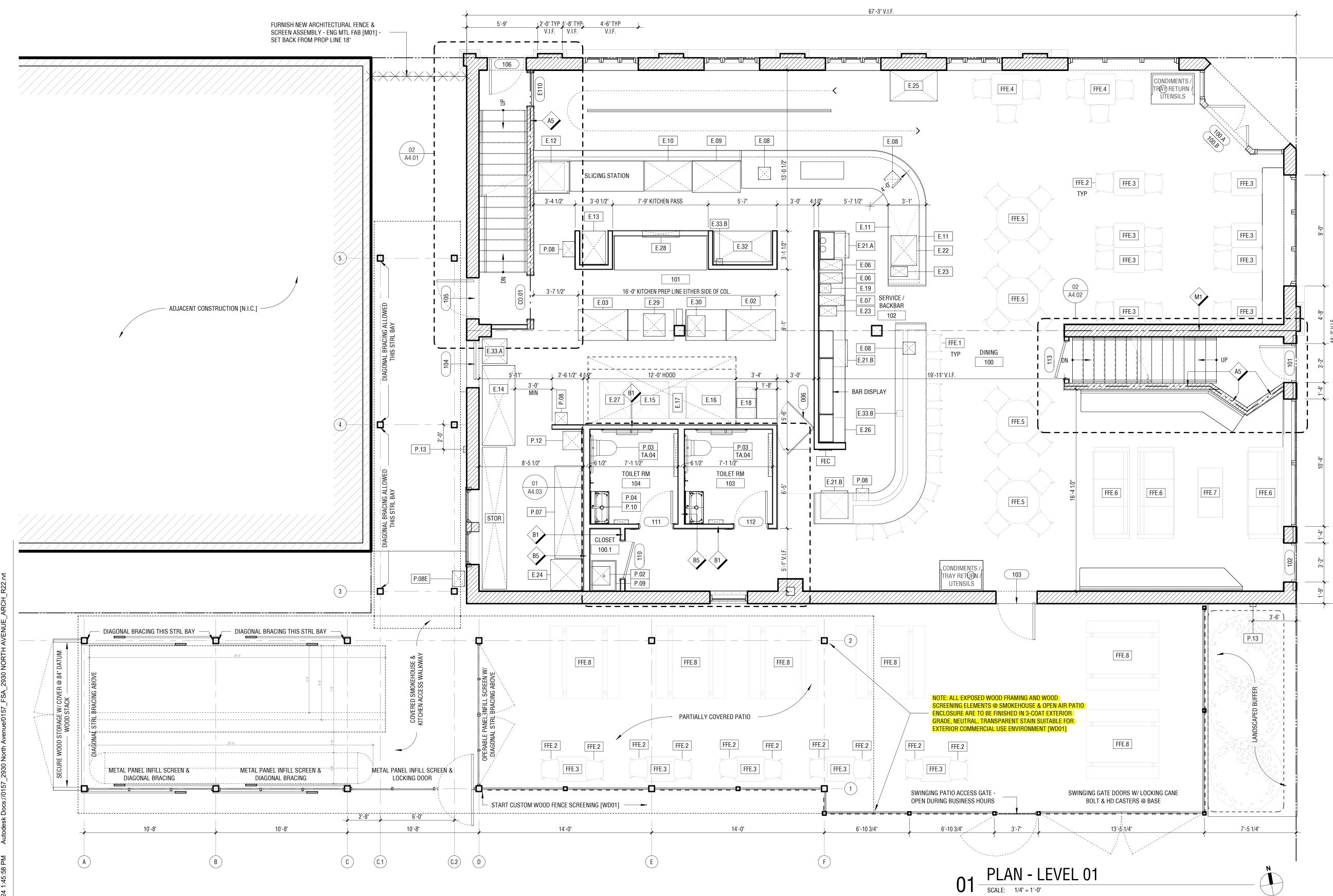


*NOTE: SURVEY INFORMATION PROVIDED BY SURVEYOR: A.G. HAROCOPOS & ASSOCIATES, P.C. - PROVIDED FOR REFERENCE ONLY - ALL TRADES ARE TO VERIFY EXISTING FIELD CONDITIONS ASSOCIATED WITH INDIVIDUAL SCOPE OF WORK AND ALERT ARCHITECT IN WRITING TO ANY DISCREPANCIES AFFECTING WORK TO BE PERFORMED

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